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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,602	11/28/2003	Kouji Mitsuhashi	246070US2	8264
22850 7590 06/26/2009 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER				
DHINGRA, RAKESH KUMAR				
ART UNIT		PAPER NUMBER		
1792				
NOTIFICATION DATE		DELIVERY MODE		
06/26/2009		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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### Office Action Summary

**Application No.**

10/722,602

**Applicant(s)**

MITSUHASHI ET AL.

**Examiner**

RAKESH K. DHINGRA

**Art Unit**

1792

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 April 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 9, 10, 12, 14, 15, 31, 32, 38 and 39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9, 10, 12, 14, 15, 31, 32, 38 and 39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsman's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date 12/08, 04/09

***DETAILED ACTION***

***Response to Arguments***

Applicant's arguments with respect to claims 9, 10, 12, 14, 15, 31, 32 and 38 have been considered but are moot in view of the new ground(s) of rejection as explained hereunder.

Applicant has amended claim 9 by adding new limitation, "at a lower portion of the barrier coat layer including a surface contacted with the base material and not including a surface contacted with the main layer". Further, applicant has added new claim 39.

Accordingly claims 9, 10, 12, 14, 15, 31, 32, 38 and 39 are now pending and active.

New reference by Shih et al (USPGPUB 2002/0066532) reads on limitations of amended claim 9 including the newly added limitation "at a lower portion of the barrier coat layer including a surface contacted with the base material and not including a surface contacted with the main layer". Accordingly claims 9, 10 and 15 have been rejected under 35 USC 102 (b) as explained below. Further, balance claims 12, 14, 31, 32, 38 and 39 have also been rejected under 35 USC 103 (a) as explained below.

Regarding provisional double patenting rejection of claims 9, 10 and 12, applicant's comments have been noted. However pending issuance of either of the copending or the instant application as a patent or identification of allowable subject matter in either of the application, the double patenting rejection is amended in view of new grounds of rejection of claim 9 due to amendment of claim 9, as explained below.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 9, 10, 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Shih et al (US 2002/0066532).**

Regarding Claims 9, 10: Shih et al teach a plasma apparatus that includes a chamber wall (internal member of a plasma processing vessel) comprising:

a base material 20; and  
a film formed on a surface of the base material,  
wherein the film has a main layer 28 formed by thermal spraying of ceramic and a barrier coat layer formed of Al<sub>2</sub>O<sub>3</sub>, wherein the barrier coat layer 24 is an intermediate layer formed between the main layer 28 and the base material 20, and

wherein the barrier coat layer 24 is a thermally sprayed film. Shih et al further teach that at least parts of pores inside the thermally sprayed film barrier coat layer 24 are sealed by a resin 30 provided at a lower portion of the barrier coat layer 24 including a surface contacted with the base material and not including a surface contacted with the main layer (since Shih et al teaches that sealant layer 30 could be provided on the surface of the chamber wall directly (e.g. Figs. 4, 5 and para. 0012-0015, 0043-0050).

Regarding Claim 15: Shih et al teach that main layer 28 is formed of B4C (para. 0048).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shih et al (US 2002/0066532) in view of George et al (US 4,357,387) and Araki (US 6,724,140).**

Regarding Claim 12: Shih et al teach all limitations of the claim including sealing of the pores in the barrier coat layer by a resin comprising dimethacrylate but do not explicitly teach the resin is selected from the group consisting of SI ( silicone), PTFE (polytetrafluoroethylene), PI (polyimide), PM (polymideimide), PEI (polyetherimide), PBI (polybenzimidazole) and PFA (perfluoroalkoxyalkane).

Araki teach an apparatus wherein sealing resins like methacrylate, polyimide are used for providing sealing to prevent moisture or oxygen from entering each layer constituting the OLED device (e.g. Fig. 3 and col. 9, lines 34-45). It would be obvious to use polyimide or methacrylate as a sealing resin in view of teaching by Araki.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to seal the barrier coat layer using polyimide as taught by Araki in the apparatus of Shih et al due to known equivalence of polyimide or methacrylate for sealing purposes.

Further, use of polyimide as a sealing resin for sealing barrier coat films is also known in the art as per reference cited hereunder.

George et al teach sealing of thermally sprayed refractory (includes ceramic) coating using resins including polyimide resin (col. 2, lines 55-65 and col. 7, lines 10-50).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to seal the barrier coat layer using polyimide resin as taught by George et al in the apparatus of Shih et al in view of Araki to obtain proper adhesion of barrier coat layer with the base material.

**Claim 31, 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shih et al (US 2002/0066532) in view of O'Donnell et al (US 2005/0150866), Bradley et al (US 4,310,390) and Tokutake et al (US 6,120,955).**

Regarding Claims 31,38: Shih et al et al teach all limitations of the claim (as explained above under claim 9) including that main coating is formed of B4C but do not teach an anodized film is formed between the base material and the film, and that anodized layer can be sealed by a second resin selected from the group consisting of SI (silicone), PTFE (polytetrafluoroethylene), P1 (polyimide), PAI (polyamideimide), PEI (polyetherimide), PBI (polyberlzimidazole) and PFA (perfluoroalkoxyalkane).

O'Donnell et al teach an apparatus (Figures 4-6) that includes a focus ring 14 (an internal member of a plasma processing vessel), comprising:

aluminum (base material); and

a film formed on a surface of the base material, wherein the film has a main layer 100 formed by thermal spraying of yttria-containing coating (ceramic) and an intermediate coating (barrier coat layer) 80 formed of Al<sub>2</sub>O<sub>3</sub> (ceramic) that can also be formed by thermal spraying. O'Donnell et al also teach that for aluminum components, an anodic coating is given as a barrier coating before the main coating, and which can be sealed [Paragraphs 0041, 0054, 0057, 0059, 0062-0066].

Therefore it would have been obvious to one of ordinary skills in the art at the time of the invention to provide an anodic film between the base material and the film as taught by O'Donnell et al in the apparatus of Shih et al as an additional barrier against corrosion.

Shih et al in view of O'Donnell et al do not teach the anodic film is sealed by a second resin selected from the group consisting of SI (silicone), PTFE (polytetrafluoroethylene), PI (polyimide), PAI (polyamideimide), PEI (polyetherimide), PBI (polyberlzimidazole) and PFA (perfluoroalkoxyalkane).

Bradley et al teach an apparatus where anodized coatings are sealed using organic polymers solutions for sealing the pores in the anodic coating to improve resistance to corrosive environments (col. 1, lines 15-45 and col. 4, lines 25-60).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to seal anodized layer using organic polymers as taught by Bradley et al in the apparatus of Shih et al in view of O'Donnell et al to obtain improved corrosion resistance for aluminum substrates.

Shih et al in view of O'Donnell et al and Bradley et al teach that anodic coating can be sealed using organic resins but do not do not teach that the resin is selected from the group consisting of SI (silicone), PTFE (polytetrafluoroethylene), PI (polyimide), PAI (polyamideimide), PEI (polyetherimide), PBI (polyberlzimidazole) and PFA (perfluoroalkoxyalkane).

However use of silicone based resin for sealing the pores in an anodic oxidized film is known in the art

Tokutake et al teach an apparatus (Fig. 1) that includes a substrate 1 that is anodized. Tokutake et al further teach that since the anodized layer has a porous portion, the same is sealed using polyimide resin (col. 3, lines 55-60 and col. 6, lines 59-65).



Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use polyimide resin for sealing the pores in the anodized layer as taught by Tokutake et al in the apparatus of Shih et al et al in view of O'Donnell et al and Bradley et al to improve the durability of anodized layer.

**Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shih et al (US 2002/0066532) in view of O'Donnell et al (US 2005/0150866) and Bradley et al (US 4,310,390) and Tokutake et al (US 6,120,955) as applied to Claims 31, 38 and further in view of Mahulikar et al (US 5,534,356).**

Regarding Claim 14: Shih et al in view of O'Donnell et al, Bradley et al and Tokutake et al teach all limitations of the claim except that sealing treatment of anodic layer is executed using an element of Group 3a in the periodic table.

Mahulikar et al teach an apparatus (Figs. 1, 2) where a substrate 12 is anodized (layer 14) and which is then sealed against pores using an aqueous solution comprising of boric acid (contains Boron – group 3a element) [col. 3, line 20 to col. 5, line 8].

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use a group 3a element for sealing of anodic layer as taught by Mahulikar et al in the apparatus of Shih et al in view of O'Donnell et al, Bradley et al and Tokutake et al to prevent corrosion from chemicals used for subsequent processing like metallization (column 4, lines 58-68).

**Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shih et al (US 2002/0066532) in view of O'Donnell et al (US 2005/0150866) as applied to Claims 9, 10, 15 and further in view of Horita et al (US 5,892,278).**

Regarding Claim 32: Shih et al in view of O'Donnell et al teach all limitations of the claim (as explained above under claim 31, 38 above) and further including that an anodized film can be formed between base material and the coating (film) and that anodized layer can be sealed {O'Donnell - paragraph 0043}.

Shih et al in view of O'Donnell et al do not teach that pores in the anodic oxidized film are sealed by an aqueous solution of metal salt.

Horita et al teach a method (Figs. 1, 2) that includes formation of anodic oxidized film on semiconductor chip radiator 1 and where the anodic film is sealed in a nickel salt solution in water (col. 5, line 50 to col. 6, line 10).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to seal the pores in the anodic oxidized film by using an aqueous solution of metal salt as taught by Horita et al in the apparatus of Shih et al in view of O'Donnell et al to enable clog micropores in the anodic oxidized film (Column 5, lines 60-65).

**Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shih et al (US 2002/0066532) as applied to claims 9, 10 in view of O'Donnell et al (US 2005/0150866)/**

Regarding Claim 39: Shih et al et al teach all limitations of the claim including a main layer formed on the barrier coat layer, but do not teach a blast process is performed on the surface of the barrier coat layer to improve adhesivity with the main layer.

O'Donnell et al teach an apparatus (Figures 4-6) that includes a focus ring 14 (an internal member of a plasma processing vessel), comprising:

aluminum (base material); and

a film formed on a surface of the base material, wherein the film has a main layer 100 formed by thermal spraying of yttria-containing coating (ceramic) and an intermediate coating (barrier coat layer) 80 formed of Al<sub>2</sub>O<sub>3</sub> (ceramic) that can also be formed by thermal spraying. O'Donnell et al also teach that for aluminum components, an anodic coating is given as a barrier coating before the main coating, and which can be sealed. O'Donnell et al further teach that after application of barrier coat layer 80/90, its surface is roughened which provides good bond to the subsequently applied main layer 100. O'Donnell et al also teach that prior to application of main layer the surface is treated with treatment like blasting to improve adhesion for the subsequently applied layer [Paragraphs 0041, 0042, 0054, 0057, 0059, 0062-0066].

Therefore it would have been obvious to one of ordinary skills in the art at the time of the invention to perform blast process on the surface of the barrier coat layer before application of main layer as taught by O'Donnell et al in the apparatus of Shih et al to improve adhesivity with the main layer.

### ***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined

application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 9, 10, 12 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 5, 17-20 of copending Application No. 10/773,245 (US PGPUB No. 2005/0103275) in view of Shih et al (US 2002/0066532).

Claims 5, 17-20 of co-pending application teach:

A ring member (an internal member) of a plasma processing vessel, comprising:  
a base material; and a film formed on a surface of the base material, wherein the film has a main

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layer formed by thermal spraying of ceramic and a barrier coat layer formed of ceramic including an element selected from the group consisting of B, Mg, Al, Si, Ca, Cr, Y, Zr, Ta, Ce and Nd;

wherein the barrier coat layer is a thermally sprayed film and at least parts of pores inside the thermally sprayed film are sealed by a resin;

wherein the barrier coat layer is formed of at least one kind of ceramic selected from the group consisting of BaC, MgO, Al<sub>2</sub>O<sub>3</sub>, SiC, Si<sub>3</sub>N<sub>4</sub>, SiO<sub>2</sub>, CaF<sub>2</sub>, Cr<sub>2</sub>O<sub>3</sub>, Y<sub>2</sub>O<sub>3</sub>, YF<sub>3</sub>, ZrO<sub>2</sub>, Ta<sub>2</sub>O<sub>5</sub>, CeO<sub>2</sub>, Ce<sub>2</sub>O<sub>3</sub>, CeF<sub>3</sub> and Nd<sub>2</sub>O<sub>3</sub>; and

wherein the resin is selected from the group consisting of SI (silicone), PTFE (polytetrafluoroethylene), PI (polyimide), PAI (polyamideimide), PEI (polyetherimide), PBI (polybenzimidazole) and PFA (perfluoroalkoxyalkane).

Claims 5, 17-20 of co-pending application do not teach the wherein the barrier coat layer is a thermally sprayed film and at least parts of pores inside the barrier coat layer are sealed by a resin provided at a lower portion of the barrier coat layer including a surface contacted with the base material and not including a surface contacted with the main layer.

Shih et al teach a plasma apparatus that includes a chamber wall (internal member of a plasma processing vessel) comprising:

a base material 20; and

a film formed on a surface of the base material,

wherein the film has a main layer 28 formed by thermal spraying of ceramic and a barrier coat layer formed of Al<sub>2</sub>O<sub>3</sub>, wherein the barrier coat layer 24 is an intermediate layer formed between the main layer 28 and the base material 20, and

wherein the barrier coat layer 24 is a thermally sprayed film. Shih et al further teach that at least parts of pores inside the thermally sprayed film barrier coat layer 24 are sealed by a resin 30 provided at a lower portion of the barrier coat layer 24 including a surface contacted with the base material and not including a surface contacted with the main layer (since Shih et al teach that sealant layer 30 could be provided on the surface of the chamber wall directly (e.g. Figs. 4, 5 and para. 0012-0015, 0043-0050).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to form a barrier coat layer formed whose part of pores are sealed by a resin provided at a lower portion of the barrier coat layer including a surface contacted with the base material and not including a surface contacted with the main layer as taught by Shih et al in the apparatus of claims 5, 17-20 of co-pending application to obtain improved resistance against attack from the process halogen gases.

This is a provisional obviousness-type double patenting rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAKESH K. DHINGRA whose telephone number is (571)272-5959. The examiner can normally be reached on 8:30 -6:00 (Monday - Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Parviz Hassanzadeh can be reached on (571)-272-1435. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/R. K. D./  
Examiner, Art Unit 1792

/Karla Moore/  
Primary Examiner, Art Unit 1792